

PATENT APPLN. NO. 10/585,814
RESPONSE UNDER 37 C.F.R. §1.111

PATENT
NON-FINAL

REMARKS

Claim 1 has been amended to include the limitations of claims 6 and 7 and to recite that the fiber-reinforced plastic members are overlapped with each other. Claims 6 and 7 have been canceled and the dependencies of other claims have been amended for consistency with the amendments to claim 1 and the cancellation of claims 6 and 7.

Claim 18 has been amended in a manner similar to claim 1.

Referring to the Action, claims 1-3, 12, 16, 18 and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Bezin, US Patent 4,811,626.

The 35 U.S.C. § 102(b) rejection has been overcome by the amendments to claims 1 and 18. Bezin discloses a bicycle crank but does not disclose that the crank is made of fiber-reinforced plastic members that are overlapped and connected to each other so that a connection line thereof appearing outside extends in a longitudinal direction of the crank. Further, Bezin does not disclose that at least a part of the connection line is covered with a fiber-reinforced plastic layer.

Therefore, Bezin does not support a case of anticipation of claims 1 and 18 and the claims dependent thereon under 35 U.S.C. § 102.

PATENT APPLN. NO. 10/585,814
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Claims 4 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bezin. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bezin in view of Ordin et al., US Patent Application Publication 2003/0051573 A1. Claims 13 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bezin in view of Whatley, US Patent 5,632,940. Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bezin in view of Nishimura et al., Patent Application Publication 2002/0150774 A1.

The claims rejected in the above-identified 35 U.S.C. § 103(a) rejections depend directly or indirectly on claim 1. Bezin does not support the rejection of claim 1 under 35 U.S.C. § 102. Therefore, Bezin, alone or in combination with any of Ordin et al., Whatley, and Nishimura et al., cannot support the 35 U.S.C. § 103(a) rejections of the claims dependent on claim 1 and reciting additional limitations. Withdrawal of the above-noted 35 U.S.C. § 103(a) rejections is requested.

Claims 6-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bezin in view of Valle, JP 2003-072666 A.

The limitations recited in claims 6 and 7 are now recited in claim 1. Claims 8-11, each of which originally depended on claim 6 or claim 7, have been amended to depend on claim 1. Therefore,

PATENT APPLN. NO. 10/585,814
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the rejection will be discussed as it applies to claim 1 and the claims dependent thereon.

Valle is cited as teaching the limitation originally recited in claim 6 of at least part of an outer shell being covered with a fiber-reinforced plastic. Valle, however, fails to teach or suggest a crank for a bicycle in which at least two fiber-reinforced plastic members are overlapped and connected to each other so that a connection line thereof appearing outside extends in a longitudinal direction of the crank, and at least a part of said connection line is covered with a fiber-reinforced plastic layer.

Therefore, the combination of Bezin and Valle is insufficient to support a case of *prima facie* obviousness of claim 1 of the application and the claims that depend thereon. Withdrawal of the rejection of claims 6-11 under 35 U.S.C. § 103(a), if the rejection is considered to apply to claim 1 as amended, is requested.

The foregoing is believed to be a complete and proper response to the Office Action dated September 30, 2009.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to Deposit Account No. 111833.

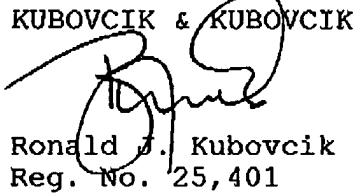
PATENT APPLN. NO. 10/585,814
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In the event any additional fees are required, please also
charge our Deposit Account No. 111833.

Respectfully submitted,

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